

CONSERVATION COMMISSION
781-982-2100

Minutes
March 11, 2014
Buckley Room
7:00 p.m.

Members present: Denis Bergin, Joe Feeney, Kathy Creighton, Bill Stone, Jerry Kelliher, Mike Noonan, Russ Forsythe

7:00 p.m. Open Space update - Denis will call Jim Watson, OCPC, to check on progress.

Continued hearing, NOI 84-479, Shane Crowley, J & S Realty Trust, to construct single family dwelling on upland within 100 feet of a bordering vegetated wetland and a section of driveway within a bordering vegetated wetland at 498 Linwood Street. Kathy chaired this hearing at the last meeting and will continue.

John Cotter gave presentation with Russ Wheatley, Shane Crowley, his girl friend Jillian and Paul Crowley in attendance. They are proposing a single family house on 28.7 acres, the majority of which is wetlands. There is a significant area of uplands on the site. They are proposing to construct a driveway approximately 500' long through an area of BVW with cross hatch to get to upland to construct single family with deck and other appurtenances. Wetland area to be filled is 4416 s.f. The WPA allows 5,000 s.f. to be filled as long as it can be replicated. Replication proposed is 8,832 s.f. - a 2:1 ratio. The lot has an elevation grade that changes from Linwood Street towards the back of the lot from 160 to 131. It goes back to 125 and continues down to Beaver Brook, which abuts back of lot.

There was site visit on March 8th, with Russ, John, Mr. Crowley and three members of board. They started from Linwood Street and looked at the wetlands crossing area. Water flows from south to north and east to west. There is break in wall and a natural flow area where they put an 18" plastic drain pipe. Calculations were given to another engineer as part of an agreement that was made during the course of the design. The 18" pipe was pointed out, as well as a 12" pipe, to be installed crossing under the driveway, with a yard drain, basically a catch basin so there won't be build up of run off because they are filling in wetlands. There is an area of pine trees where house will go. They walked out to proposed replication area. There are some mature trees in area. They supplied a replication plan. There is an elevation change from west to east in replication area. There are wetland flags and will flag the remainder of the perimeter where replication will go. They will install haybales prior to any work being done. They will excavate areas 2' where mature trees will remain, some of them will be taken down. They will try to leave the area as natural as they can. Plant species will be planted in clusters as per plans. Throughout

the replication area it will be checked for two growing seasons to assure 75% growth rate. Mike, Jerry and Kathy had gone on the site walk.

Denis – question on location of the barn. John - this lot is between the barn and the new houses there. Denis – for excavation, they will be bringing in machinery. John - there is about 280' of upland before wetlands. Haybales will be put up first around the limit of work. Kathy – question on driveway. John – because of the way the property is graded, it will cause natural swales on either side of the driveway, so runoff will still run in the same direction and be picked up by one of the pipes to be installed. Kathy - replication plan should list it as 498 Linwood Street.

Opened to floor:

Rich Nigrelli, 340 Diane Circle - how much fill is going into wetlands? John - hasn't calculated it yet. Rich – they will have to get a permit from the BOS for that – correct? John – he wasn't sure.

Jim Foley, 362 Diane Circle – question on proposed replication area – is it currently wet or dry? John – it is currently dry. They will excavate, but it is wet on both sides; there is quite a grade change from one side to the other. Will they be taking trees down to get to replication area? They will be clearing the area for the house. Shane Crowley - if they can't get machines back there, they will do it by hand.

Rich Nigrelli - is whole driveway going to be filled in? No – just in the one area. How is electrical going in? It is underground. The elevation of the upland is a little higher, not a lot higher than the wetlands. They are just filling in the cross hatch area – it will be 2-2.5 feet.

Denis - what other permits do they need? As far as fill, they would have to get permit for fill to be brought in. Shane – they will only be bringing in fill for driveway section. It will be a raised ranch, and there will be 2' of fill around the house, so whatever comes out of the hole they will use for fill.

Matt Hannigan, 352 Diane Circle - if it is approved, wants plan documented with revision date for 18 and 12 inch pipe. John - this plan is the only one for Conservation. Matt - can it be written that pipes will be maintained by owner? Kathy - they will consider it when orders are written.

Rose Foley, Diane Circle - if it is a yearly cleaning required in the Order of Conditions, how would they know it happens? Kathy - they can ask applicant to notify board. Can anything else be built on this land? John - plan was Form A plan to show it conforms to zoning. At that time, this lot didn't have frontage for lot. They got variances on the lot from ZBA. That is why it can now be built on. As far as anything else built - in front it is wet meadow, it has been flagged; these are the only uplands on the site. It is his belief that the one house lot is all that can be done. Plan submitted with revision date of March 11, 2014 - replication note added.

Shane Crowley - doesn't have a problem with pipe sizes being written in the Order of Conditions, can be inspected whenever commission wants. Those pipes will be there to protect his house also. The water would build up in his front yard.

Caitlin Rouse, 352 Diane Circle - appeal is still in place with the Zoning Board, has not been withdrawn from the courts.

Motion to close the hearing made by Joe, seconded by Russ, unanimous. Denis was not present for first hearing, but did watch it on TV. Motion to accept the revised plans dated March 11, 2014 made by Mike, seconded by Russ, unanimous.

Order of Conditions: A1,2,3,4,5,6, B1,2,3,7,8, E1,2,3,4,6,7 (8832) shown on map dated 3/11/14, 8 (second section),9,10, G1,2,3,4,5(25') (and add "The stockpiles shall remain in the limit of work area."),6,7, H2,4,5,6,7,8, I-1,2a,b,c,d,e,f,g. Special conditions: The owner will notify the Conservation Commission annually that the pipes have been inspected and cleaned.

Motion to accept the Order of Conditions as written made by Russ, seconded by Mike, unanimous.

NOI, 84-478, Thuha Thi Vo, 61 Autumn Lane, Weymouth, for corrective work to stabilize the bank of the pond, with brush to be removed and any exposed earth to be seeded at 275 Chestnut Street, in response to Enforcement Order issued 10/20/2013.

Elliott J. Paturzo, A. S. Elliott Associates, gave presentation. He apologized for his client not being aware of the requirements for activity in the buffer zone. He has installed crushed stone along bank of pond and put in boulders to stop vehicles from going into pond, and cleared a path way along a portion of the site for the congregation to walk and meditate. They would like to leave crushed stone and boulders where they are so they won't disturb the buffer zone any further. There are boulders along the bank. They would also like to stabilize the bank with loam and seed and not do any further work at the site at this time.

They are looking into the Natural Heritage Program to see if it has jurisdiction. They received a letter back saying it was ok to do what they were doing at this point. Mr. Paturzo submitted a copy of the letter. To develop the site further, they need to go through the Natural Heritage and Endangered Species Program to see if there are any endangered species.

Denis – has any work be done after the Commission issued the enforcement order? No - all work on the site has been stopped. The work that was done was putting crushed stones between bank and house, put boulders along the bank to keep things from going into the pond. They cleared saplings along the edge of the pond and stockpiled it (area shown on map). They are proposing to stabilize bank area with loam and seed and remove brush. Denis – were there any trees taken down? Mr. Paturzo – trees were taken down, but he isn't sure of the size. Kathy - trees were taken down over time near the house and the bank. They were doing a lot of pruning.

Mike – they were clearing trees. Mr. Vo explained he is a Buddhist monk and they are planning a future Buddhist meditation center. They chose this place because they love the pond; they are trying to protect the pond; they cleaned the pond so they could go around the pond for meditation walks. They love nature; they will build in future. Mr. Vo apologized; they cut brush, and cleaned around the pond, they didn't do damage. They removed stumps behind house with tree that was dead already. They love nature, that is why they love this place. They would like to walk around pond. Bill - his intentions are good, but the commission has to uphold the wetlands bylaws. Mr. Vo - he did remove stuff behind house, cleaned wild brush, cut bad trees and removed trash. He will be happy to comply.

Denis - is happy to have the monastery here. The commission is here to protect water. Trees were taken to west of house, saplings or trees taken to east around the river. Denis thought the Town owned some of the land that borders the pond. Mr. Vo thought he owned all of it. There is heavy machinery out there. Mr. Vo – machinery doesn't belong to monastery. Trees were taken down by hand. Neighbor asked him to store excavator out there for him (Curtis Ford) by pond. Crushed stone was brought in; he leveled driveway by hand, didn't bring soil in, just leveled. Mike - saw more than excavator in there doing work. Mike saw equipment there while he was doing the driveway, which is when a cease and desist was issued. Mr. Vo - he just improved driveway, didn't bring in soil. Jerry – he hadn't asked permission to do anything. Denis - saw pools of water in driveway when he had driven by.

Kathy didn't want anything parking on the bank due to stability. It's not appropriate. Didn't know if the resource areas had really been defined. The area has been disturbed. Taking out trees and stumps creates erosion problems. Vehicles parked next to a water body that has wildlife in it would affect an important resource. Didn't know if wetlands were defined before, but they are talking about a riverfront area, pond, bank, not sure about bordering land subject to flooding. How was resource for bank defined? Mr. Paturzo - defined it by elevations. Mr. Vo - driveway is not for parking area, just driveway. Denis - thought there were 8 spaces on plan. NOI form listed filing as single family home. Kathy wants better definition of bank, thought they forgot to check off another box for inland resource.

What are they proposing? Mr. Paturzo - proposing seed mix and to take out bushes. Denis – trees were taken, part of driveway was constructed, heavy machinery brought in, and their solution is just to put down seed. Did Mr. Paturzo think grass was indigenous to further pond work? Mr. Paturzo – right now, that is the way it is. There is some grass in that area. Kathy – commission needs to do a site walk. Joe - when was it flagged? It was flagged by a wetlands specialist, a report was submitted. Jerry - will they re-grass where brush was cleared? Mike – informed the applicant that they would have to use wetlands grass seed. It would have to be built up so it doesn't run off to eliminate erosion or runoff of soil or sediments. Denis – read Mr. Paturzo's report, but asked if that was the only solution his client has – grass seed? Mr. Paturzo – they thought it was better not to disturb the buffer zone any further. Denis – previous filing had a similar situation, but they were replicating. They actually worked out what shrubs to put

back in and replicated. Mike – gave Mr. Vo a sheet with different wetlands grasses. Kathy – flagging was done with what is there now; what was there before the work was done? Didn't think seeding is enough. Denis - replication is putting back what was taken away; has problem with putting in grass where there was none before, but there were trees and scrubs. Jerry – there was some grass there, but thought there was a lot of ledge sticking up along bank and house; mowing would be difficult. Mr. Paturzo – there is a lot of exposed ledge along the bank. Jerry - they cleaned all around in front of Chestnut Street and took all the shrubs and moved the brush to the island. Now they want to clean it up. Mr. Paturzo – they want to clean it up and restore it to the way it was. He didn't locate any of the trees that were cut. Jerry – wants to take another walk. Denis – suggesting putting more work on replication on putting back some of what was there, wetlands vegetation. Erosion has taken place. Kathy - not happy with parking area. Denis -there is flooding there. Mike - the erosion will fill in the pond over time. Denis - the machinery has to go. The Commission is asking Mr. Paturzo to develop replication plan further.

Mr. Russell Phillips, 280 Chestnut Street - someone plowed snow in his yard (#275) which is why it's wet there, not flooding. As far as island - was bare when he first moved there. He didn't think there had been any erosion.

Dawn Folan, 308 Chestnut Street - since it's been cleared out, there are less people hanging there drinking, etc., felt there was an improvement. This is the nicest they have seen this area look since they have been there; there is less drug traffic. When you see cars over there, they pull around to the left side of the house, but they park on the right side of the house. They are quiet, respectful, they clean up after themselves. They have done it by hand, no big machines. They are doing this every weekend, raking and cleaning.

Motion to continue to March 25, 2014 at 7 p.m. made by Mike, seconded by Kathy, unanimous. A site walk will take place prior to the next meeting. Cease and desist is still in place. The excavator is to be removed.

Mr. Vo - they will be exhibiting jade Buddha in 2015 that has toured around the world, to be there for six weeks, expects 15-30,000 people. They will have to excavate for the statue. Mike suggested they have as much of this information before the commission for the next meeting as possible, and where are 30,000 people going to park? Denis thanked Mr. Vo for sharing this information.

Correspondence:

- Denis was contacted by Linda Orel of the Community Preservation Coalition. Her group gives presentations to boards and commissions on the benefits of the Community Preservation Act. Kathy – thought it would be educational for commission. Joe suggested joint meeting with BOS.
- Flyer on new school building proposed. Kathy suggested the ASBC file an ANRAD. Joe – they are working on design and architectural blue prints of the building. They get

the blue prints approved, then they go to the different boards and committees (Planning, Zoning, Conservation). Commission will invite building committee to come to a meeting.

New business:

- Kathy received voicemail from Ann Welch re activity behind 43 Highland Road. There are wetlands behind #43 that Mr. D'Andrea is getting closer to.
- Jerry inspected building permits. Bill inspected demolition permit on Shaw Ave.

Motion to close the meeting at 8:45 p.m. made by Jerry, seconded by Mike, unanimous.

Respectfully submitted,

Nancy Hurst